THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.15685 OF 2006

BETWEEN:

V.Adinarayana

..petitioner

vs.

The District Collector, Vizianagarm and others

..Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.15685 OF 2006

ORAL ORDER

The election to the D.Gadhapa Valasa village, Therlam Mandal, Vizianagaram District is scheduled on 29-07-2006. The petitioner and 4th respondent were among the contestants who filed nominations. The 4th respondent is stated to have filed two nominations and to have withdrawn one of them.

The learned counsel for the petitioner states that in view of the law declared in **Kondru Venkateswarlu and others Vs. Government of Andhra Pradesh, rep. by its Secretary, Panchayat Raj, Hyderabad and others** ([1]) withdrawal of a nomination in law constitutes withdrawal of all nominations by a particular candidate and therefore, the 4th respondent must be considered as having withdrawn both sets of nominations filed by him. On this factual platform the petitioner contends that as he is the sole contesting candidate with a valid nomination, there is no necessity for holding the election and he should be declared elected as Sarpanch of the village.

As the election is scheduled for tomorrow and as the 3rd respondent has not considered the 4th respondent as having withdrawn his nomination and 4th respondent is treated to be a contesting candidate, these issues ought not to be gone into this

writ petition. The petitioner has an effective alternative remedy by way of election petition.

In the circumstances the writ petition is dismissed at the stage of admission. No order as to costs.

_____

GODA RAGHURAM,J

28TH JULY 2006
PVSN/*TSNR

---

[1] 1995(3) ALT 217